

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Earl Lionell Ward,

Case No. 17-cv-4542 (WMW/LIB)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Tom Roy, Commissioner,

Respondent.

This matter is before the Court on the May 10, 2018 Report and Recommendation of United States Magistrate Judge Leo I. Brisbois. (Dkt. 11.) Because no objections have been filed, this Court reviews the Report and Recommendation for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the Report and Recommendation, the Court finds no clear error.

Based on the Report and Recommendation and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The May 10, 2018 Report and Recommendation, (Dkt. 11), is **ADOPTED**;
2. Petitioner Earl Lionell Ward's petition under 28 U.S.C. § 2254 for a writ of habeas corpus, (Dkt. 1), is **DENIED**; and
3. This action is **DISMISSED WITHOUT PREJUDICE**.
4. The Court declines to grant a Certificate of Appealability under 28 U.S.C. § 2253(c).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 13, 2018

s/Wilhelmina M. Wright

Wilhelmina M. Wright

United States District Judge